

§ 143B-9. Appointment of officers and employees.

(a) **(Effective until July 1, 2025)** Department Head. – The head of each principal State department, except those departments headed by popularly elected officers, shall be appointed by the Governor and serve at the Governor's pleasure. The salary of the head of each of the principal State departments shall be set by the Governor, and the salary of elected officials shall be as provided by law.

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(a1) Appointment. – For each head of each principal State department covered by this section, the Governor shall notify the President of the Senate of the name of each person to be appointed. Unless expressly waived by an enactment of the General Assembly, the appointment shall be subject to senatorial advice and consent in conformance with Constitution.

(a2) Vacancy. – If a vacancy occurs when the General Assembly is not in regular session, a person appointed to fill the vacancy may serve without senatorial advice and consent for no longer than the earlier of the following:

- (1) The date on which the Senate adopts a simple resolution that specifically disapproves the person appointed.
- (2) The date on which the General Assembly shall adjourn pursuant to a joint resolution for a period longer than 30 days without the Senate adopting a simple resolution specifically approving the person appointed.

(a3) Consecutive Terms. – Senatorial advice and consent is limited to the remainder of the term the Governor is serving at the time it is given unless all of the following requirements are met:

- (1) The person was appointed by the Governor and received Senatorial advice and consent as the head of the same principal State department during that Governor's immediately preceding term.
- (2) The person continues to serve in the same position.
- (3) The Senate has not adopted a simple resolution specifically disapproving the person during the first 90 legislative days of the first regular session commencing in the calendar year after the Governor's reelection. For purposes of this subdivision, a "legislative day" is a day on which the Senate convenes in regular session. A person is no longer eligible to continue to serve after the date on which the Senate adopts a simple resolution under this subdivision.

(b) Chief Deputy; Chief Assistant. – The head of a principal State department shall appoint a chief deputy or chief assistant, and such chief deputy or chief assistant shall not be subject to the North Carolina Human Resources Act. The salary of such chief deputy or chief assistant shall be set by the Governor. Unless otherwise provided for in the Executive Organization Act of 1973, and subject to the provisions of the Human Resources Act, the head of each principal State department shall designate the administrative head of each transferred agency and all employees of each division, section, or other unit of the principal State department. (1973, c. 476, s. 9; 1977, c. 802, s. 42.20; 1983, c. 717, s. 51; 2012-142, s. 25.02(c); 2013-382, s. 9.1(c); 2016-126, 4th Ex. Sess., s. 38; 2024-57, ss. 3B.1(b); 3E.2(cc).)